

# COUNCIL POLICY

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## Section 7.11 Contributions Plan 2026

|                    |                                   |
|--------------------|-----------------------------------|
| Commencement Date  | 22 June 2026                      |
| Council Department | Environmental Services            |
| Contact Officer    | Director – Environmental Services |
| Revision Required  | Every 4 years                     |

#### Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

#### Revision History

| Version | Council Meeting Date | Resolution No. | Responsible Officer             |
|---------|----------------------|----------------|---------------------------------|
| I       | 22 June 2026         | 125/26         | Director-Environmental Services |
|         |                      |                |                                 |
|         |                      |                |                                 |

2026

Prepared by:  
COWRA SHIRE COUNCIL  
116 Kendal Street  
COWRA NSW 2794



COWRA

# **S7.11**

## **CONTRIBUTIONS PLAN**

# DOCUMENT CONTROL

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## PROJECT REPORT DETAILS

|                  |                                            |
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| Document Title   | Cowra Section 7.11 Contributions Plan 2026 |
| Principal Author | Janine Finlayson - Land-use Planner        |
| Department       | Environmental Services                     |

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## DOCUMENT STATUS

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## ACKNOWLEDGEMENT OF COUNTRY

In preparing this policy, Cowra Shire Council acknowledge the traditional lands of the Wiradjuri people, and pays respect to elders both past, present and emerging.



Prepared by:  
COWRA SHIRE COUNCIL  
116 Kendal Street  
COWRA NSW 2794



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# 01

## PLAN INTRODUCTION

## 1.1 Overview

Section 7.11 of the Environmental Planning and Assessment Act 1979 (the Act) provides Council the means to levy contributions towards the cost of public facilities and services to meet the increased demand created by development.

Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

A condition of development consent may be imposed by Council with a requirement that the applicant contribute towards the cost of infrastructure. This is based on the principle that development should fund the infrastructure it necessitates. This is called a section 7.11 contribution - named after the relevant section of the Act. This plan deals with section 7.11 contributions.

Unlike section 7.12 contributions, a section 7.11 contribution must not be levied unless there is a demonstrated relationship (nexus) between the development and the infrastructure demand it generates. Costs are shared fairly between new development and existing community needs, ensuring reasonableness and equity.

The monies collected will assist Council towards the provision, extension or augmentation of public amenities, infrastructure or services.

## 1.2 About this plan

### 1.2.1 Name of the plan

This Plan is the Cowra Section 7.11 Contributions Plan 2026.

### 1.2.2 Purpose

This Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be, required as a consequence of new development.

The contribution may involve the dedication of land free of cost, or the payment of a monetary contribution, or both.

Other purposes of this Contributions Plan is:

- Provide an overall strategy for the coordinated delivery of public facilities and infrastructure consistent with Council's strategic plans and management plan;
- Provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the equitable provision of public services and amenities;

- Identify the additional services and amenities required to meet the demands of the arising from new development;
- Provide an adequate level of public services and amenities to meet demand arising from development within a reasonable time, as development occurs, and at a reasonable cost, without unduly impacting on the affordability of the proposed development;
- Ensure that the development contributions are based on reasonable estimates of cost;
- Ensure that the existing community is not unduly burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development in the Cowra LGA, and that there is a reasonable apportionment of cost between existing demand and new demand for public infrastructure provided by Council, and
- Ensure that contributions are fair and reasonable.

### I.2.3 Commencement of plan

This Plan takes effect on 1 July 2026.

Rezoning applications (for the purposes of Planning Agreements), development applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan.

### I.2.4 Area to which the plan applies

This Plan applies to all land within the North Cowra Industrial Precinct, as shown in the mapping included at **Appendix B** to this plan.

The balance of the Cowra LGA is not included in this plan and is instead subject to the provisions in the Cowra Section 7.12 Contributions Plan 2026.

### I.2.5 Types of development to which the plan applies

This Plan applies to new subdivisions that create lots capable of accommodating new industrial developments under Cowra Local Environmental Plan 2012.

For developments involving the erection of a new industrial building, Council will apply the provisions of the Section 7.12 Contributions Plan, provided a contribution has not already been paid in relation to the land upon which the new industrial building is to be erected.

This Plan applies to all applications for development consent and complying development certificates on the land to which the Plan applies.

Where a development contribution has been paid at the time of subdivision in accordance with the provisions of this Plan (or a previous Plan), further contributions will not be required, unless subsequent development increases the intensity of use.

Note: “development” referred to in this clause has the same meaning as shown in section 1.5 the Act, which is repeated as follows:

- (1) For the purposes of this Act, development is any of the following—
  - (a) the use of land,
  - (b) the subdivision of land,
  - (c) the erection of a building,
  - (d) the carrying out of a work,
  - (e) the demolition of a building or work,
  - (f) any other act, matter or thing that may be controlled by an environmental planning instrument.
- (2) However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).
- (3) For the purposes of this Act, the carrying out of development is the doing of the acts, matters or things referred to in subsection (1).

### 1.2.6 Other development not specified in the Plan

This Plan levies contributions predominantly for industrial development in the specified Contribution Area. There may however be other types of development not specified in this Plan that generate a need for new or augmented public services and amenities. In such instances the applicant may be requested to prepare a needs analysis for the development to determine the development contribution requirements. Council will work with the developer to have those requirements addressed to its satisfaction - for example, by way of amended DA plans or negotiation of a Planning Agreement.

### 1.2.7 Relationship to other plans and policies

This Plan supersedes the Cowra Section 94 Contributions Plan 2016.

Unspent contributions raised and paid under the authority of the previous Plan will be continued to be directed towards the respective facilities and infrastructure described in the Work Schedule of that Plan. Where items from the previous Plan have continued in the Cowra Section 7.11 Plan 2026, those funds have been transferred to that Plan.

This Plan complements the Cowra Section 7.12 Contributions Plan 2026. Development to which this Plan applies is not to be levied contributions under the Cowra Section 7.12 Contributions Plan 2026.

## I.3 Legislative context

### I.3.1 What are development contributions?

Development contributions are contributions made by those undertaking development approved under the Environmental Planning and Assessment Act 1979 (the Act). Contributions may be in the form of money, the dedication of land or some other material public benefit (or a combination of these):

- In the case of contributions made under sections 7.11 or 7.12 of the Act - toward the provision or improvement of amenities or services (or the recouping of the cost of provision or improvement of amenities or services); or
- In the case of contributions made under a planning agreement prepared in accordance with sections 7.4 to 7.10 of the Act - toward public purposes.

### I.3.2 What is a Section 7.11 Contribution?

A Section 7.11 Contribution is named after the relevant section of the Act, which provides Council the means to levy contributions towards the cost of public facilities and services to meet the increased demand created by development.

Section 7.11 of the Act allows Council to impose, as a condition of development consent, a requirement that the applicant contribution towards the cost of public facilities and services to meet the increased demand created by development. Contributions may be in the form of:

- The dedication of land free of cost, or
- The payment of a monetary contribution,
- Provision of a Material Public Benefit
- Works in Kind.

Further details on the above forms of contributions are provided in Section 3.2 of this Plan.

Unlike section 7.12 contributions, a section 7.11 contribution must not be levied unless there is a demonstrated relationship (nexus) between the development and the infrastructure demand it generates. Costs are shared fairly between new development and existing community needs, ensuring reasonableness and equity.

The monies collected will assist Council towards the provision, extension or augmentation of public amenities, infrastructure or services. The expenditure of the money is subject to any relevant provision of this Plan and the works schedule at **Appendix A**.

### I.3.3 What does Section 7.11 of the Act provide?

Section 7.11 of the Act provides as follows:

- 7.11 Contribution towards provision or improvement of amenities or services
- (1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring—
    - (a) the dedication of land free of cost, or
    - (b) the payment of a monetary contribution,or both.
  - (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.
  - (3) If—
    - (a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and
    - (b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).
  - (4) A condition referred to in subsection (3) may be imposed only to require a reasonable contribution towards recoupment of the cost concerned.
  - (5) The consent authority may accept—
    - (a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or
    - (b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3).
  - (6) If a consent authority proposes to impose a condition in accordance with subsection (1) or (3) in respect of development, the consent authority must take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than—

- (a) a benefit provided as a condition of the grant of development consent under this Act, or
- (b) a benefit excluded from consideration under section 7.4(6).

(7) If—

- (a) a condition imposed under subsection (1) or (3) in relation to development has been complied with, and
- (b) a public authority would, but for this subsection, be entitled under any other Act to require, in relation to or in connection with that development, a dedication of land or payment of money in respect of the provision of public amenities or public services or both,

then, despite that other Act, compliance with the condition referred to in paragraph (a) is taken to have satisfied the requirement referred to in paragraph (b) to the extent of the value (determined, if the regulations so provide, in accordance with the regulations) of the land dedicated or the amount of money paid in compliance with the condition

#### I.3.4 Application of Legislation / Guideline

This Contributions Plan has been prepared in accordance with the following relevant legislation and with reference to the following relevant guideline documents:

- Part 7, Division 7.1 of the Environmental Planning and Assessment Act 1979.
- Part 9 of the Environmental Planning and Assessment Regulation 2021.
- NSW Department of Planning, Housing and Infrastructure - Guide to Infrastructure Contributions dated May 2025.
- NSW Planning, Housing and Infrastructure - Section 7.11 Contributions Practice Note.
- NSW Planning, Housing and Infrastructure - Local Infrastructure Contributions System Practice Note.
- NSW Planning, Housing and Infrastructure - Administering Contributions Practice Note.
- Relevant Section 9.1 Ministerial Directions.

# 02

## CONTRIBUTION FRAMEWORK



## 2.1 Contribution Strategy

### 2.1.1 Nexus

This Part of the Plan establishes the relationship (nexus) between the expected types of development in nominated Contribution Area(s) and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

| Type                      | Rationale | Description                                                                                                                                |
|---------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Casual nexus              | What      | This is a demonstration that the anticipated development actually creates a need or increases the demand for a particular public facility. |
| Spatial or physical nexus | Where     | Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.       |
| Temporal nexus            | When      | Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.   |

The proposed public facilities identified in this Plan are considered reasonable and are required to satisfy the expected demands of the anticipated types of development in the Plan's Contributions Area(s).

In general, the need for and increased usage of public facilities as a consequence of new development will exceed the capacity of existing public facilities in the area. It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of likely development.

The details establishing the nexus between the expected types of development in the Contributions Area(s) and the demand for additional public facilities to meet that development are set out in this Part of the Plan under the headings of:

- Transport - Refer Section **2.2**
- Plan Management and Administration - Refer Section **2.3**

The following types of facilities have been identified as being necessary to meet the needs of new development:

| Category                           | Types of services / facilities                                            |
|------------------------------------|---------------------------------------------------------------------------|
| Transport Facilities               | Road infrastructure, road drainage upgrading.                             |
| Plan Management and Administration | Management of development contributions and works, and Review of the Plan |

Details regarding the approximate location, timing and estimated costs for each of the facilities are set out in the Work Schedules included at **Appendix A** and Location of Works Maps included at **Appendix B**.

### 2.1.2 Explanation of Contribution Formulae

Council applies a contribution formula to each public amenity and service for the purpose of calculating the contribution rate applicable for that service or amenity. The formulae takes into consideration the cost of the works to be undertaken, the cost to Council of acquiring land on which to undertake these works (if applicable) and the total land area relevant to the facility:

$$\text{Contribution (per capita / lot)} = \frac{\text{Cost}}{\text{Benefiting Land Area}}$$

Where:

$$\text{Cost} = \text{Total cost of providing the facility including land and capital costs, and any recoupment costs (if applicable).}$$

$$\text{Benefiting Land Area} = \text{Total area of land in the nominated Contribution Area that is to benefit from the public infrastructure.}$$

### 2.1.3 Allowances for existing development

Because Section 7.1.1 contributions can only be levied where development will result in an increased demand for public amenities and services, contributions will not be sought in relation to demand generated by existing (or approved) urban development on the land to which this Plan applies.

As the contribution amounts for Contribution Area No. 1 are levied based on a calculation of site area, credits (or allowances) will be granted for existing site area associated with any residual (existing) lot created by a subdivision of land to which this Plan applies.

## 2.2 Transport Infrastructure

### 2.2.1 Introduction

The transport facilities provided for in this Plan are required to meet the increase in transport needs from new development within Contribution Area No. 1.

The key documents supporting these works are identified below:

- Cowra 2036 - Cowra Community Strategic Plan
- Cowra Council Operational Plan 2025-2026
- Cowra Council Delivery Program 2025-2029
- Cowra Council Long Term Financial Plan 2025-2035
- Cowra Local Environmental Plan 2025

### 2.2.2 Nexus

Industrial development within Contribution Area No. 1 - North Cowra Industrial Precinct will create a need for additional road and drainage infrastructure due to the increase traffic and increased permeable surfaces that result from the development of this land for industrial purposes.

Cowra Council has undertaken a technical review of the infrastructure improvements required to meet the demand resulting from the additional industrial development and this review led to identification of the specific infrastructure items detailed in Section 2.2.5 and **Appendix A**.

To address these issues, the most important factors provided for within this Plan relate to:

- Upgrading road infrastructure to cater for increased traffic volumes, and
- Upgrading street drainage (in association with the above drainage measures).

The beneficiaries of the improvements in road infrastructure will be industrial development in Contribution Area No. 1 - North Cowra Industrial Precinct. Accordingly, the cost of the improvements to road and drainage infrastructure that have been included in this Plan have been apportioned on a per square metre basis.

Works programmes will be regularly reviewed and revised depending upon development trends, updated traffic modelling, State, Regional and Local Government policy and available funding.

### 2.2.3 Strategy

A summary of proposed transport works for which contributions are sought through this Plan, and their costs is provided in the Works Schedule in **Appendix A**.

### 2.2.4 Apportionment

The transport works detailed in this Plan have been designed to meet the demands of the future development in Contribution Area No. 1 - North Cowra Industrial Precinct.

The identification of the Contribution Area ensures that the nexus between the demand created by new development and contribution levels are as equitably distributed as is reasonable possible and administratively efficient.

In the case of Contribution Area 1, the following apportionments have been applied each of the proposed transport works identified in the Works Schedules to **Appendix A**.

Table 1 Contribution Area 1 - Apportionments

| No. | Service / Facilities                                                                                        | Total Cost | Apportionment    |
|-----|-------------------------------------------------------------------------------------------------------------|------------|------------------|
| 1.  | Nangar St upgrade - 10m carriageway width and kerb and gutter installation between Mulyan St and Pridham St | \$950,000  | 51% <sup>1</sup> |
| 2.  | Pridham St upgrade - 7m width carriageway (no kerb and gutter) between Glen Logan Rd and Nangar St          | \$235,000  | 51% <sup>1</sup> |
| 3.  | Pridham St / Glen Logan Rd intersection upgrade and box culvert installation                                | \$650,000  | 51% <sup>1</sup> |
| 4.  | Nangar St and Pridham St intersection widening and upgrade                                                  | \$250,000  | 51% <sup>1</sup> |
| 5.  | Mulyan St and Nangar St intersection widening and kerb and gutter improvements                              | \$750,000  | 51% <sup>1</sup> |

#### Notes

1. In the case of Works Schedule Items 1, 2, 3, 4, and 5, the apportionment is 51% of the total cost, because the need for the proposed work is jointly generated by existing development in the E4 General Industrial zone that will also benefit from the improvement. Refer to Appendix C for apportionment calculations.

### 2.2.5 Calculation of Contribution

The estimated capital costs for the proposed works were prepared by Cowra Council on the basis of Council's standard rates for construction. In the case of Contribution Area No. 1 - North Cowra Industrial Precinct, contributions have been calculated per square metre of land.

Table 2 shows the capitals works for which a Section 7.11 contribution is being levied for Contribution Area No. 1.

Table 2 Contribution Area 1 - Calculations

| Item No.                                   | Work                                                                                                        | Cost   | Apportionment | Benefiting Land Area (ha) | Contribution Rate per m <sup>2</sup> |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------|---------------|---------------------------|--------------------------------------|
| 1                                          | Nangar St upgrade - 10m carriageway width and kerb and gutter installation between Mulyan St and Pridham St | \$950K | 51%           | 95.08                     | \$0.51                               |
| 2                                          | Pridham St upgrade - 7m width carriageway (no kerb and gutter) between Glen Logan Rd and Nangar St          | \$235K | 51%           | 95.08                     | \$0.13                               |
| 3                                          | Pridham St / Glen Logan Rd intersection upgrade and box culvert installation                                | \$750K | 51%           | 95.08                     | \$0.40                               |
| 4                                          | Nangar St and Pridham St intersection widening and upgrade                                                  | \$250K | 51%           | 95.08                     | \$0.13                               |
| 5                                          | Mulyan St and Nangar St intersection widening and kerb and gutter improvements                              | \$750K | 51%           | 95.08                     | \$0.40                               |
| <b>Total Contribution Per Square Metre</b> |                                                                                                             |        |               |                           | <b>\$1.57</b>                        |

## 2.3 Plan Administration

### 2.3.1 Nexus

The preparation and administration of a Section 7.11 plan requires resources. Council employs staff to undertake the financial accounting of contributions, and implement the Plan and its works. In addition, consultant studies and specialist advice (e.g. legal and valuation) are obtained on an as needed basis to assist with Plan preparation, management and review.

The costs involved with administering contributions plans are an essential component of the efficient provision of facilities necessitated by new development within the nominated Contributions Area(s). New development should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

### 2.3.2 Strategy

The Plan aims to provide funds to ensure the efficient management of the contributions planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff that are accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (e.g. planning and engineering specialists) to carry out studies.

### 2.3.3 Calculation of Contribution

A Council can account for the costs of plan administration by charging a contribution rate of 1.5% of the total capital cost of the infrastructure levied under a Section 7.11 Contributions Plan. Table 3 shows the calculations.

Table 3 Plan Administration Calculations - Contribution Area 1

| Item | Description                          | Cost                  | Calculation / Ref |
|------|--------------------------------------|-----------------------|-------------------|
| A    | Total Costs of Works Schedule Items  | \$2,935,000           | Refer Appendix A  |
| B    | Plan Establishment Costs             | \$44,025              | 1.5% of Item A    |
| C    | Benefiting Land Area (hectares)      | 95.08 ha              | Refer Appendix C  |
| D    | Benefiting Land Area (square metres) | 950,800m <sup>2</sup> | Item C × 10,000   |
| E    | Contribution per square metre        | \$0.04                | Item B / Item D   |

## 2.4 Summary of Contribution Rates

A summary of Development Contribution rates for Cowra Contributions Area I is included in Table 4 as follows:

Table 4 Plan Administration Contributions Summary - Cowra Contributions Area I.

| <b>Contribution Type</b> | <b>Per square metre of site area</b> |
|--------------------------|--------------------------------------|
| Transport Infrastructure | \$1.57                               |
| Plan administration      | \$0.04                               |
| Total                    | \$1.61                               |



# 03

## ADMINISTRATION OF THE PLAN

### 3.1 Authorisation

In determining a development application or issuing a complying development certificate to which this Plan applies, this Plan authorises the Council to impose a condition of consent requiring the payment of a monetary contribution.

Prior to the issue of a Complying Development Certificate for development to which this Plan applies, the issuer of the certificate must impose a condition pursuant to this Plan if such condition may be imposed. In accordance with Section 7.21 of the Act, this Plan:

“(b) Can only authorise the imposition by an accredited certifier of a condition under Section 7.11 that requires the payment of a monetary contribution,”

Complying Development Certificates must be assessed and issued by Council if the developer wishes Council to consider land dedication, material public benefits or works-in-kind.

### 3.2 Types of contributions

There are a number of alternative methods which can be used to pay or settle the Section 7.11 developer contributions. These are as follows:

- Monetary contribution;
- Dedication of land;
- Material Public Benefit, or
- Works in Kind.

Where a developer negotiates a material public benefit (for works not in the works schedule), works in kind (for items included in the works schedule), or the dedication of land, in lieu of paying in full or paying a part of the monetary contribution required under this Plan, the applicant must still pay Council's reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides the ability for the Council to consider entering into a Planning Agreement (PA) as part of a development application or when rezoning land. Public amenities and services delivered through a PA may be in addition to or instead of the payment of a monetary contribution under Section 7.11.

#### 3.2.1 Monetary contribution

This Plan identifies the monetary contribution required for the provision of public services and amenities, calculated in accordance with the requirements of Section 2 of this Plan. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

### 3.2.2 Dedication of land

This Plan authorises the Council to consent to the carrying out of development subject to a condition imposed under Section 7.11 of the Act, requiring the dedication of land free of cost to the Council.

Such a condition may be imposed where the land is reasonably required towards the provision, extension or augmentation of a public amenity or public service specified in the Works Schedule accompanying this Plan, in order to meet the demand generated by development.

Dedication of land in lieu of monetary contributions for community facilities, open space or other infrastructure described in this Plan will only be considered when Council deems that the land is locationally appropriate and has physical and servicing characteristics that make it suitable for the designated purpose. All costs of dedication are to be borne by the applicant, including but not limited to, survey, legal and administration costs.

The land is to be in a condition suitable for its intended purpose cleared of all debris, weeds and waste materials to the written satisfaction of Council. The land is to have a compliance certificate from a registered testing authority stating that the land is free from contaminated and hazardous materials and substances.

Land to be dedicated is to be shown on the Final Plan of Subdivision that accompanies the Subdivision Certificate application, and will only come under Council care and control upon registration of the subdivision.

### 3.2.3 Works in Kind / Material Public Benefits

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a Contributions Plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process.

Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine whether Council would agree to enter into such agreement as well as to establish Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. MPBs can be infrastructure that is specifically listed in the Works Schedule to **Appendix A** or infrastructure that is not included in this Plan. It can not be the payment of money or the dedication of land to Council free of cost.

Council may accept the provision of a MPB that is not nominated in the Works Schedule to **Appendix A**, if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan. For transparency, Planning Agreements are a more appropriate mechanism to deliver a MPB that is not included in this Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:

- **Offer made to the Council as part of a development application** - If an applicant does not wish to pay a monetary Section 7.11 contribution in connection with the carrying out of development, the applicant may include in a development application, a proposal to carry out the works towards which a contribution or levy would otherwise have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under Section 7.11 requiring payment of the monetary contribution.

- **Offer made to Council following the grant of development consent** - If development consent has been granted to the carrying out of development subject to a condition under Section 7.11 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing that they instead provide to the Council a material public benefit in part or full satisfaction of the requirements of the relevant condition. This application should be made in the form of a modification of the development consent to be made under section 4.55 of the Act.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is not required, in part or whole, as relevant, to comply with the conditions imposed under Section 7.11. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under Section 7.11.

In either case, and as recommended by the NSW Planning, Housing and Infrastructure - Section 7.11 Contributions Practice Note, Council will have regard to the criteria in Table 4 in order to follow a consistent and transparent approach when deciding whether to agree to the applicant's request:

Table 5 Assessment Criteria for WIK and MPB requests

| Criteria                | Assessment                                                                             |
|-------------------------|----------------------------------------------------------------------------------------|
| Infrastructure Delivery | Any benefits of early delivery of the works to the surrounding area.                   |
| Scope and Standard      | Consistency of the works with the contributions plan.                                  |
| Design and Cost         | Consistency of the works with the design and estimated cost in the contributions plan. |

|                        |                                                                                                                                                                                                    |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial Implications | Impact of accepting works instead of revenue, on forecast cash flow and the contributions plan works program.                                                                                      |
| Timing                 | Impact on the contributions plan delivery program, and whether the alternative will prejudice the timing or manner of the provision of the public facility for which the contribution was required |
| Handover               | Proposed dedication and ongoing management arrangements,                                                                                                                                           |

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion, and aside from any exceptional circumstances, no credits will be granted for in-kind works carried out by the developer that are in excess of the approved contribution amount. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

The value of an offer to provide WIK or a MPB towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 7.1 I contribution will be valued utilising the following mechanism:

- Any credit will be calculated based on the actual cost of works or the agreed cost estimate, whichever is the lesser. The agreed cost estimate will be determined by a review of the costs submitted by the applicant via Council's Infrastructure & Operations Department (or a Registered Quantity Surveyor at Council's discretion);
- The agreed cost estimate can be amended by submission of a variation request by the applicant which will be reviewed and certified by a registered Quantity Surveyor;
- The actual cost of works is required to be evidenced and verified by a registered Quantity Surveyor;
- The Quantity Surveyor to act on the project will be chosen by Council from a list of 3 recommended by the applicant all of whom are to be members of Panels for The NSW Department of Finance, Services and Innovation or Local Government Procurement; and
- Quantity Surveyor service costs are to be borne by the applicant.

#### 3.2.4 Legal agreements pertaining to WIK and MPB

All offers, should they be accepted, to provide WIK, or a MPB towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 7.1 I contribution will be subject to a legal agreement between Council and the applicant. All agreements will include, but not limited to, the following:

- The works to be undertaken;
- The timing of the works;

- The quality of the works;
- The costs of the works;
- Handover and sign-off by Council;
- The applicant's rights and responsibilities; and
- Council's rights and responsibilities.

### 3.3 Planning Agreements

An applicant may offer to enter into a Planning Agreement with the Council in connection with a development application or a rezoning application. Provision is made for Planning Agreements under Section 93F of the Environmental Planning and Assessment Act 1979, as amended.

Under a Planning Agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a Planning Agreement may be additional to, or instead of, making contributions under Section 7.11 of the Act.

The offer to enter into a Planning Agreement, together with the draft Agreement, will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft Agreement and explanatory note relating to the draft Agreement along with the relevant application and will consider the Agreement as part of its assessment of the relevant application. If the Council agrees to enter into the Agreement, it may impose a condition of development consent requiring the Agreement to be entered into and performed.

### 3.4 Land Values

Council's objective is to ensure that the funds Council receives for land acquisition from Section 7.11 contributions are equivalent to the amount required to fund the purchase of all the land identified for acquisition in the Plan.

The estimated value (of the land to be acquired) used for determining contribution rates is the englobo value of the land (identified for acquisition) assuming that the land is available for immediate development and that all necessary services are available. Englobo land is land that is:

- undeveloped, or has minimal development.
- largely unserved.
- zoned to allow for subdivision into smaller parcels.

The value assigned does not necessarily represent the current market value of any particular parcel of land. Costs associated with land acquisition are also included in the determination of contribution rates. The costs include administration, valuation, negotiations, survey, legal and conveyancing, and are accounted for in the contribution framework for Plan Administration detailed in Section 2.3 of this Plan.

When land is to be acquired, the current market value of this land would be assessed at the time of acquisition or determination of compensation with regard to current market conditions, the availability of services, appropriate heads of compensation and the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

## **3.5 Payment of contributions**

### **3.5.1 Timing of Payments**

The time of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the Subdivision Certificate.
- Development involving both subdivision and building work – prior to the release of the Construction Certificate, or the release of the Subdivision Certificate, whichever occurs first.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 3.6).

### **3.5.2 Deferred or Periodic Payments**

Council may consider the deferred payment of contributions or payments made by periodic installments. This will be a merit based decision, considered on a case by case basis and subject to approval by Council.

A request for deferral or periodic payment must be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:

- There are valid reasons for the deferral or periodic payment;
- The deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- The granting of the request for deferred payment will not jeopardise the timely provision of works or land identified within the Plan;
- A suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;

- The applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication, and
- The periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept deferred payment by way of a bank guarantee are that:

- The bank guarantee is by an Australian Bank.
- Indexing will be calculated from the date the contribution was due until the date of payment.
- The bank guarantee is for a maximum period of twelve months.
- The amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months interest.
- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 12 months from the provision of the guarantee or completion of the work, whichever occurs first.
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent.
- The bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required, and
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept periodic payment for a staged development are:

- That the installments are paid before the work commences on each relevant stage of the development, and
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

## 3.6 Adjusting Contribution Rates

### 3.6.1 Indexing of contribution rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates indicated in this Plan, on a yearly basis. This Plan authorises Council to undertake these indexed based changes without the necessity of preparing a new or amending contributions plan.

The contribution rates will be reviewed and subsequently indexed by reference to the Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.

In accordance with Clause 32(3)(b) of the Environmental Planning and Assessment Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the Consumer Price Index (Sydney All Groups), the contributions will be reviewed quarterly in accordance with the following formula:

$$\text{New Contribution Rate} = \frac{C \times \text{CPI 2}}{\text{CPI 1}}$$

Where:

|       |   |                                                                                                                         |
|-------|---|-------------------------------------------------------------------------------------------------------------------------|
| C     | = | is the initial contribution rate at the time of adoption of the Plan, expressed in dollars                              |
| CPI 2 | = | is the Consumer Price Index Number (Sydney All Groups) available at the time of the review                              |
| CPI 1 | = | is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment |

### 3.6.2 Adjusting contributions at time of payment

Contribution amounts will initially be calculated and regularly updated in accordance with the terms of Clause 3.6.1 at the time development consent is granted. The current contribution rates are published by Council and are available from Council's Customer Service Centre, or from Council's website.

The contributions amounts included in a development consent are to be adjusted at the date of payment on the basis of the contribution rates that are applicable at the time of the payment, and not at the date of the approval of the development.

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

$$CP = \frac{CDC \times (CDC \times (CRP - CRC))}{CRC}$$

Where:

|     |   |                                                                                   |
|-----|---|-----------------------------------------------------------------------------------|
| CP  | = | is the amount of the contribution calculated at the time of payment.              |
| CDC | = | is the amount of the original contribution as set out in the development consent. |
| CRP | = | is the contribution rate at the time of payment                                   |
| CRC | = | is the contribution rate at the time of the original consent.                     |

### 3.7 Refund of contributions

As a general rule, Council will not support requests for the refund of contributions already paid to Council in accordance with the conditions of a development consent. This is because it is not possible to refund contributions (that have already been paid) from the relevant contribution fund(s) of Council.

Where a partial or full refund of contribution is requested, applicants will instead need to apply in writing to Cowra Council for a donation in accordance with the Donation Policy, a copy which can be accessed from Council upon request.

Council will take the following matters into account when assessing the refund request:

- The criteria in the Council's Donation Policy.
- Whether or not the development has been commenced.
- Whether or not it is proposed to surrender the consent that applied the contribution.

Applications must be received within 12 months following payment of the levy.

The decision to provide part or full refunds will always be the subject of a report to an appropriate monthly committee meeting of Council.

### 3.8 Reassessment of contributions

Council may consider an application for the reassessment of the development monetary contribution payable. This may result in the contribution being reduced or waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will be required to lodge an application to review the consent in accordance with Sections 8.2 to 8.5 of the Act, as amended, to reassess the rate of contribution charged.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

The Act provides that Council cannot review a determination or decision after the period within which any appeal may be made to the Court has expired if no appeal was made, or after the Court has disposed of an appeal against the determination or decision.

### 3.9 Complying Development

In accordance with Clause 156 of the Environmental Planning and Assessment Regulation 2021, a certifying authority must not issue a complying development certificate for a particular purpose unless it includes a condition requiring the payment of a monetary section 7.11 contribution, where such a payment is required by a council's contribution plan.

The amount of the contribution is to be determined in accordance with the formulas contained in this Plan. The conditions imposed must be consistent with Council's standard Section 7.11 consent conditions and be in accordance with this Plan. It is the responsibility of accredited certifiers to correctly calculate the contribution and apply the Section 7.11 contribution.

Complying Development Certificates must be assessed and issued by Council if the developer wishes Council to consider land dedication, material public benefits or works-in-kind.

### 3.10 Construction Certificates

In accordance with Clause 20 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifying authority must not issue a construction certificate for building work or subdivision works under development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 20(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where a WIK, MPB, dedication of land or deferred arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### **3.11 Funding and timing of works**

The contributions made to Council under the Plan may fully or partially fund the public amenities and services identified in this Plan. The contribution rates have been determined on the basis of apportionment between the expected development and other sources of demand. In circumstances where public amenities and services are not fully funded by contributions, the remaining funds will be supplied from other Council sources.

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 3.13 will be considered and used when necessary.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, the individual work schedules may be reprioritised. This will take into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue flows.

It is expected that the development of the Contributions Area(s) will occur over the next 10 to 15 years. The scope and timeframe for the delivery of the infrastructure identified in this Plan is for the same duration. However, as the projections and time-frames for development are uncertain, the Work Schedules in the Plan are subject to staged implementation and / or will be completed on an as required basis. Furthermore management of the Plan incorporates ongoing monitoring of development trends, actual population growth rates and regular review processes.

### **3.12 Management Costs of the Plan**

There is a substantial time and cost overhead associated with this Plan and its implementation.

Accordingly costs associated with the preparation, administration and management of this Plan will be levied on all applications in a nominated Contribution Area(s). These costs will appear as a separate element in the rates schedule and the method of calculation is described in Section 2.3 and covers the implementation review, monitoring and updating procedures set out in the Plan. In addition, studies are undertaken to determine the design and costing of works as well as to review the development and demand assumptions of the Plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the MPB or PA and supervision of the work undertaken.

### 3.13 Pooling of Contributions

This Plan expressly authorises monetary Section 7.11 Contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedule in **Appendix A**.

### 3.14 Unspent Section 7.11 funds

This Plan also authorises that unspent monies collected through previous Section 7.11 Plan is to be expended on works identified in the Works Schedules in **Appendix A**, or the Works Schedule of the Cowra Section 7.12 Plan as appropriate.

### 3.15 Accountability

Financial management and accountability are important components of Section 7.11, and Council is obliged to maintain an accurate and up to date register of all Section 7.11 contributions.

Monetary contributions received under the authority of this Plan must be recorded and kept through a separate account specifically established for this Plan. The records must indicate the contributions received, contributions expended and must include the interest, if any, earned on invested funds for each account.

These records are updated on a monthly basis.

Separate accounting records are maintained for both the Cowra Section 7.11 Contributions Plan and the Cowra Section 7.12 Contribution Plans. Information on Section 7.11 accounts and funds relating to this Plan will be provided in a condensed format within Cowra Council's Annual Report/s in accordance with requirements of the Act and associated Regulation.

Information is also available in Council's contribution register relating to this Plan, which can be inspected at Council's Customer Service Centre during normal business hours, or downloaded from the Council's website.

### 3.16 Goods and Services Tax

Monetary Section 7.11 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

### 3.17 Exemptions

Under section 7.17 of the Act a contribution under section 7.11 cannot be imposed:

- on development consents to carry out development for the purposes of housing development by a social housing provider for seniors or people with a disability within the meanings of State Environmental Planning Policy (Housing) 2021.
- if a development contribution under section 7.11 of the Act has been required in respect of the subdivision of land (initial subdivision), unless that other development will, or is likely to, increase the demand for public amenities or services beyond the increase in demand attributable to the initial subdivision.

For all other circumstances where an exemption is sought to the payment of a Section 7.11 Levy, an application must be submitted to Council at development assessment stage, giving reasons and providing any necessary evidence for the exemption.

### 3.18 Review of the Plan

This Plan may be reviewed in full, or in respect of particular parts, when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

A complete review of this Plan is anticipated every five (5) years from the date of commencement of the Plan.

### 3.19 Condition of Consent

Unless otherwise determined by the Council, the standard condition described in **Appendix D** will be used on Development Application determinations and Complying Development Certificates for monetary contributions levied under this plan.



# A

## APPENDIX

### Works Schedule - Transport Infrastructure



## Works Schedule

| Service / Facilities                                                                                        | Apportioned Capital Cost <sup>1</sup> | Estimated Land Cost \$ | Council / Other Cost <sup>2</sup> | Total Cost | Timing <sup>3</sup> |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------|-----------------------------------|------------|---------------------|
| Nangar St upgrade - 10m carriageway width and kerb and gutter installation between Mulyan St and Pridham St | \$484,500                             | Nil                    | \$465,500                         | \$950,000  | As required.        |
| Pridham St upgrade - 7m width carriageway (no kerb and gutter) between Glen Logan Rd and Nangar St          | \$119,850                             | Nil                    | \$294,000                         | \$235,000  | As required.        |
| Pridham St / Glen Logan Rd intersection upgrade and box culvert installation                                | \$331,500                             | Nil                    | \$318,500                         | \$650,000  | As required.        |
| Nangar St and Pridham St intersection widening and upgrade                                                  | \$127,500                             | Nil                    | \$122,500                         | \$250,000  | As required.        |
| Mulyan St and Nangar St intersection widening and kerb and gutter improvements                              | \$382,500                             | Nil                    | \$367,500                         | \$750,000  | As required.        |

### Notes

- <sup>1</sup> Apportioned capital cost is the apportioned cost to be funded under this Plan by Section 7.11 Contributions. Refer to Table I for further details
- <sup>2</sup> Council / other cost is the proportion of the total cost of augmentation or provision of a complete facility to be funded by Council / other contributors / grants etc, as each case determines.
- <sup>3</sup> Timing is the anticipated delivery date for the provision of the relevant infrastructure.



# B

## APPENDIX

Location of Works Maps

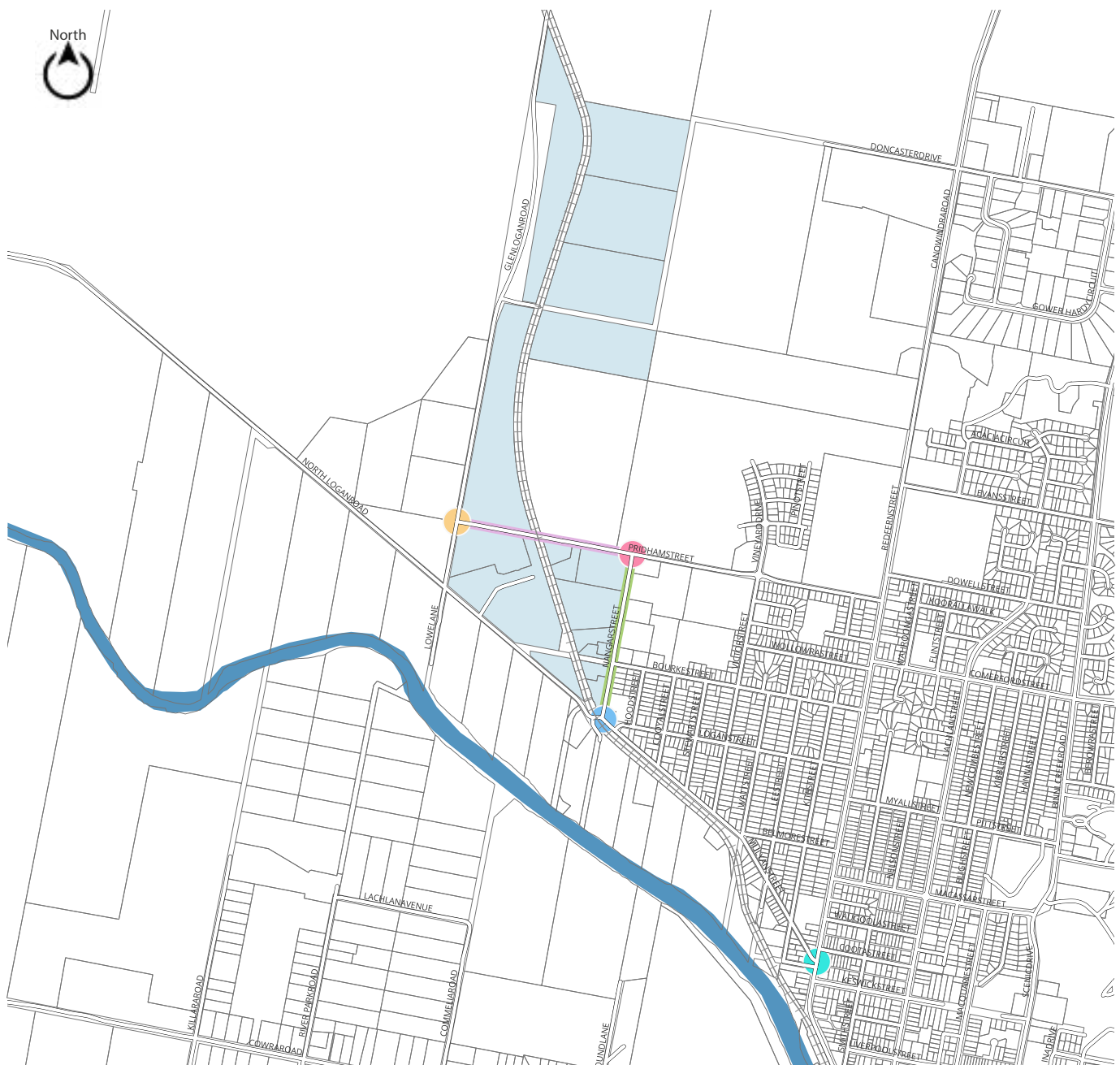
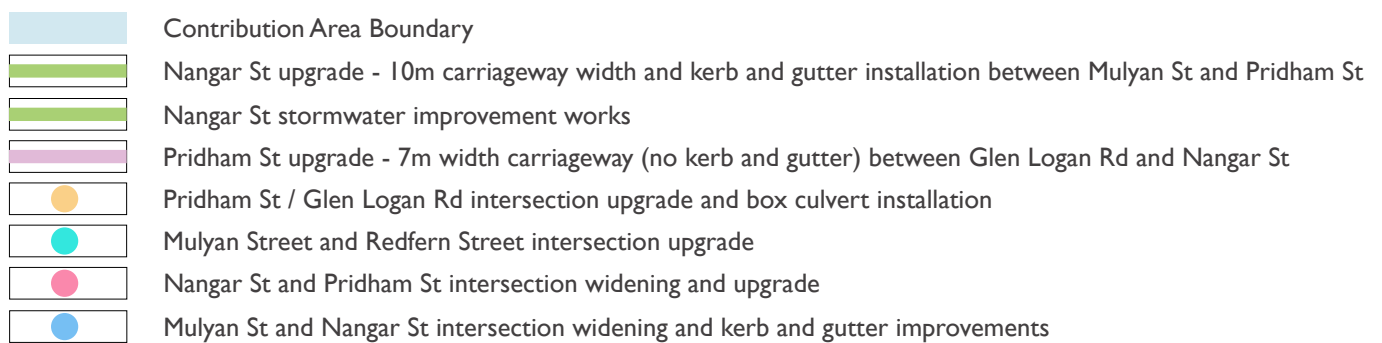


Figure I - Contribution Area I - North Cowra Industrial Precinct - Location of Works Map





# C

## **APPENDIX**

### **Apportionment Map**



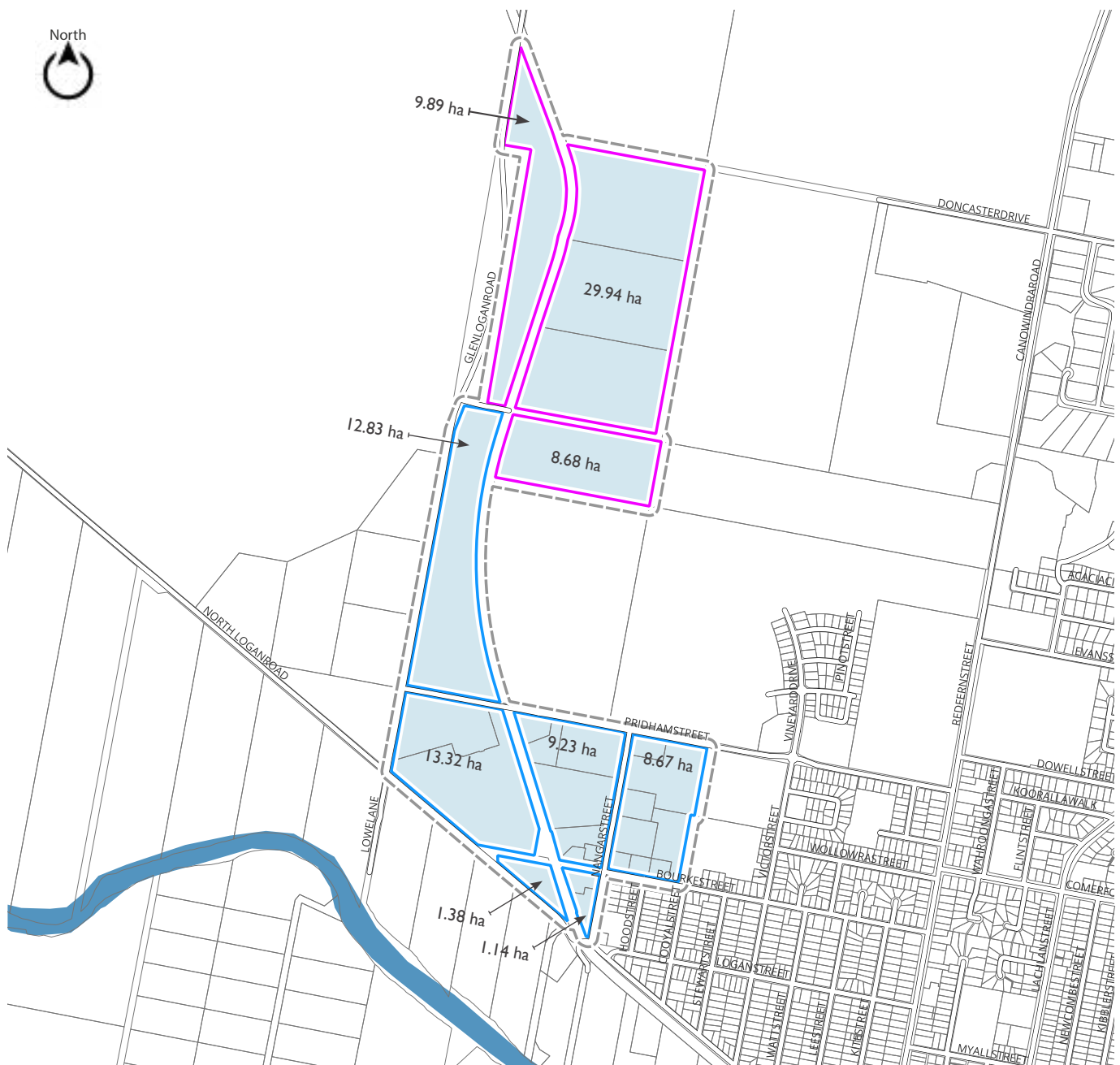


Figure 2 - Contribution Area I - Apportionment Map

| Legend | Item | Description                | Area     | Ref / Calculation           | Apportionment |
|--------|------|----------------------------|----------|-----------------------------|---------------|
|        | A    | Existing Developed Area    | 46.57 ha | Sum of all blue precincts   | 49%           |
|        | B    | Existing Undeveloped Area  | 48.51 ha | Sum of all purple precincts | 51%           |
|        | C    | Contribution Area Boundary | 95.08 ha | Item A + Item B             | 100%          |



# D

## APPENDIX

### Standard Condition

## Standard Condition

Pursuant to Section 7.11 of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 7.11 Contributions Plan 2026, adopted on 1 July 2026, which may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website [www.cowracouncil.com.au](http://www.cowracouncil.com.au).

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

| Contribution Type                  | Rate <sup>1</sup> | Rate Amount | No. of Lots <sup>2</sup> | Total Contribution | Rate remains current until |
|------------------------------------|-------------------|-------------|--------------------------|--------------------|----------------------------|
| Transport Infrastructure           |                   |             |                          |                    |                            |
| Plan Administration                |                   |             |                          |                    |                            |
| Total Contribution Payable         |                   |             |                          |                    |                            |
| Total Contribution Payable per Lot |                   |             |                          |                    |                            |

### Notes

- <sup>1</sup> Per square metre site area
- <sup>2</sup> No. of additional lots created. The original lot is discounted from the calculations
- <sup>3</sup> Council's Section 7.11 Contributions Plan 2026 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website [www.cowracouncil.com.au](http://www.cowracouncil.com.au)

### Standard Condition - Working Example

The table below has been completed showing the calculations for a 16 lot subdivision in the E4 General Industrial zone to which Contribution Area No. 1 applies.

| Contribution Type                  | Rate <sup>1</sup>     | Rate Amount | No. of Lots <sup>2</sup> | Total Contribution | Rate remains current until |
|------------------------------------|-----------------------|-------------|--------------------------|--------------------|----------------------------|
| Transport Infrastructure           | 128,300m <sup>2</sup> | \$1.57      | 16                       | \$201,431          | 30/06/2026                 |
| Plan Administration                | 128,300m <sup>2</sup> | \$0.04      | 16                       | \$5,132            | 30/06/2026                 |
| Total Contribution Payable         |                       |             |                          | \$206,563          | 30/06/2026                 |
| Total Contribution Payable per Lot |                       |             |                          | \$12,910           | 30/06/2026                 |

#### Notes

- <sup>1</sup> Per square metre site area
- <sup>2</sup> No. of additional lots created. The original lot is discounted from the calculations
- <sup>3</sup> Council's Section 7.11 Contributions Plan 2026 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website [www.cowracouncil.com.au](http://www.cowracouncil.com.au)